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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,336

10/14/2003

Robert D. Keefover

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1254

68945

7590

09/17/2008

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EXAMINER

AURORA, REENA

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/685,336	Applicant(s) KEEFOVER ET AL.	
	Examiner Reena Aurora	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/08.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 – 9, 12 – 13, 19 – 32, 34 – 40 and 42 – 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 – 9, 12 – 13, 19 – 32, 34 – 40 and 42 – 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to amendment received on 8/18/08.

Claims 8 – 9, 12 – 13, 19 – 32, 34 – 40 and 42 – 45 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 – 9, 12 – 13, 19 – 32 and 34 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauth et al. (6,693,419).

As to claims 8, 19 – 32, 34 – 40 and 42, Stauth et al. (hereinafter Stauth) discloses a proximity detector comprising a single sensor element (62, fig. 3), said single sensor element (62) providing a sensor signal that varies with the measured parameter; a first output circuit (64) responsive to the sensor signal and providing a first output signal; a second output circuit (68) responsive to the sensor signal and providing a second output signal, wherein the first and second output signals are two of multiple outputs from the single sensor element (62), and wherein the first output circuit (64) and the second output circuit (68) change the sensor signal in a different manner so that the first output signal and the second output signal change differently from each other during normal operation of the system; and a supervisor circuit (58), said supervisor

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circuit monitoring the sensor element and the output circuits (col. 4, lines 32 - 54).

Stauth fails to explicitly disclose that the supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to an electric failure with the sensor element or the output circuits and combinations thereof. However, Stauth discloses change in the signal as a result of the magnetic articles passing the sensor element. Therefore the limitation of change in the output signals due to an electric failure is just an intended use of the device. The output signals will also change as a result of mechanical failure or passing of the magnetic article not just during an electric failure. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Stauth's device to monitor the sensor elements and the output circuits in response to electric failure, mechanical failure, passing of magnetic articles and other such problems (Note MPEP 2144 IV).

As to claims 9, 12 – 13, and 43 – 45, Stauth discloses a proximity detector comprising a single sensor element (62, fig. 3) for sensing the parameter, said single sensor element (62) providing a sensor signal; shared circuits (60) coupled to the sensor element (62), said shared circuits providing sensing system operations; a first output circuit (64) responsive to the sensor signal from the shared Circuits, said first output circuit providing a first output signal; a second output circuit (68) responsive to the sensor signal from the shared circuits (60), said second output circuit (68) providing a second output signal, wherein the first and second output signals are multiple outputs from the sensor element; and a supervisor circuit (58), said supervisor circuit monitoring the sensor element, output circuits, and the shared circuits, said supervisor circuit

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forcing the first or second output signals to change to a diagnostics range in response to a problem with the sensor element, the output circuits, or the shared circuits (col. 4, lines 32 - 54). Stauth fails to explicitly disclose that a supervisor circuit, said supervisor circuit monitoring the sensor element, output circuits, and the shared circuits, said supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to an electrical failure with the sensor element, the output circuits, or the shared circuits and combinations thereof. However, Stauth discloses change in the signal as a result of the magnetic articles passing the sensor element. Therefore the limitation of change in the output signals due to an electric failure is just an intended use of the device. The output signals will also change as a result of mechanical failure or passing of the magnetic article not just during an electric failure. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Stauth's device to monitor the sensor elements and the output circuits in response to electric failure, mechanical failure, passing of magnetic articles and other such problems (Note MPEP 2144 IV).

Response to Arguments

Applicant's arguments with respect to claims 8 – 9, 12 – 13, 19 – 32, 34 – 40 and 42 – 45 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora

/Reena Aurora/

Primary Examiner, Art Unit 2862